

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2009 JUN 25 P 2:36

TOTAL BASE BID 134,200.
ALT NO. 1 _____
ALT NO. 2 _____
ALT NO. 3 _____
Alt No. 4 _____
Alt No. 5 _____

BID DATE: Thursday, June 25, 2009

Project Manager: Morgan Loatfi – 535-8350

**PENITENCIA CREEK PARK REACH 6 INTERN
IMPROVEMENTS**

BIDDER NAME: Guerra Construction Group

☒ Bond _____ ☐ Cashier's Check _____

☒ Addendums Included (1)

YES _____ NO _____

☒ NonCollusion Affidavit

YES _____ NO _____

**PENITENCIA CREEK TRAIL
REACH 6
INTERIM IMPROVEMENTS**

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, June 25, 2009

Bidder: Guerra Construction Group

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	10-2.2	MOBILIZATION	\$13,900 ⁻
2.	10-2.3	UTILITY CONFLICT COST ALLOWANCE	FIXED LUMP SUM \$ 5,000
3.	10-2.5	TEMPORARY EROSION & SEDIMENT CONTROL ALLOWANCE	FIXED LUMP SUM \$ 24,000
4.	10-2.4-10-2.8	SITE PREPARATION	\$14,300 ⁻
5.	10-3	EARTHWORK	\$ 9,400 ⁻
6.	10-6	MINERAL AGGREGATE TRAIL SURFACING	\$12,200 ⁻
7.	10-8	CONCRETE	\$ 4,100 ⁻
8.	10-9	ASPHALT CONCRETE- TRAIL IMPROVEMENTS	\$32,300 ⁻
9.	10-14	HYDROSEEDING	\$ 7,000 ⁻
10.	10-15	MISCELLANEOUS ITEMS	\$12,000 ⁻
		TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 10, INCLUSIVE) FOR THE LUMP SUM TOTAL OF:>>>>>>>>>>>	134,200 ⁻

NOTE TO BIDDERS:
The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: Penitencia Creek Trail Reach 6 Interim Improvements,

Jaime Guerra, being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on June 25, 2009

Guerra Construction Group
Legal Company Name

a California Corporation

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 235053109

Expiration Date: 6-15-10

State Contractor Lic. No.: 915544

Classification: A&B

Expiration Date: 5-31-10

Federal I. D. No.: 26-247363

Address: 345 Commercial St.

San Jose, CA 95112

By: X
Jaime Guerra

Title: President

Telephone: 408-279-2027

NOTARY

On _____ before me, _____, personally appeared
(name and title of officer)

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal) Notary Public

ACKNOWLEDGMENT

State of California
County of Santa Clara)

On June 25, 2009 before me, Cynthia A. Robles
(insert name and title of the officer)

personally appeared Jaime S. Guerra
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Guerra Construction Group as PRINCIPAL, and International Fidelity Insurance Company a corporation duly organized under the laws of the State of New Jersey and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of ten percent of the bid amount DOLLARS (\$ 10% --).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on June 25, 2009 for PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 19th
day of June, 20 09.

PRINCIPAL

SURETY


Guerra Construction Group
Legal Company Name

International Fidelity
Insurance Company
Legal Company Name

Corporation
Indicate Type of Entity


By

Title:


Jaime Guerra
President

By

Title: Danijela L. Mosunic


Attorney-In-Fact

By

Title:

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

ACKNOWLEDGMENT

State of California
County of Santa Clara)

On June 25, 2009 before me, Cynthia A. Robles
(insert name and title of the officer)

personally appeared Jaime S. Guerra,
who proved to me on the basis of satisfactory evidence to be the person~~s~~ whose name~~s~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity~~(ies)~~, and that by his/~~her~~/their signature~~(s)~~ on the instrument the
person~~s~~, or the entity upon behalf of which the person~~s~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

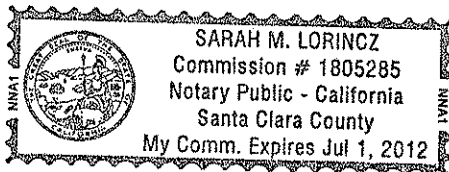
State of California

County of Santa Clara

On June 19, 2009 before me, Sarah M. Lorincz, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Danijela L. Mosunic
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity~~(ies)~~, and that by ~~his/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

FRANCIS E. COOK, CHARLES M. GRISWOLD, RONALD M. SPENO, DANIELA L. MOSUNIC

San Jose, CA.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

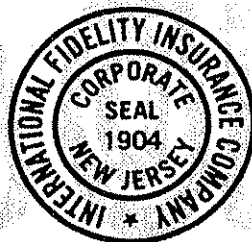
This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



IN TESTIMONY WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

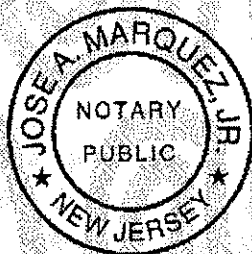
STATE OF NEW JERSEY
County of Essex

INTERNATIONAL FIDELITY INSURANCE COMPANY

A handwritten signature in cursive script, likely belonging to the Secretary.

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A handwritten signature in cursive script, likely belonging to the Notary Public.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2010

CERTIFICATION

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 19th day of June, 2009.

A handwritten signature in cursive script, likely belonging to the Assistant Secretary.

Assistant Secretary

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

[illegible]

STATEMENT OF BIDDER'S EXPERIENCE

Penitencia Creek Trail Reach 6 Interim Improvements

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

SEE ATTACHED

STATEMENT OF BIDDER'S EXPERIENCE

Penitencia Creek Trail Reach 6 Interim Improvements

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

SEE ATTACHED



GUERRA
CONSTRUCTION GROUP

PROJECT REFERENCES

PROJECT **GUNN HS FIELD LIGHTING IMPROVEMENTS**
750 ARASTERDERO WAY
PALO ALTO, CA 94306
VALUE: \$872,280

OWNER: **PALO ALTO UNIFIED SCHOOL DISTRICT**
25 CHURCHILL AVENUE
PALO ALTO, CA 94306
BOB PRICE
650-329-3968

PROJECT **BAKER & COUNTRY LANE PORTABLES**
MULTI LOCATIONS
SAN JOSE, CA
VALUE: \$314,748

OWNER: **MORELAND SCHOOL DISTRICT**
4711 CAMPBELL AVENUE
SAN JOSE, CA 95130
408-847-2900

PROJECT **GREEN ACRES ELEMENTARY SCHOOL**
TIERRA PACIFIC CHARTER SCHOOL
966 BOSTWICK LANE
SANTA CRUZ, CA 95062
VALUE: 847,620

OWNER: **LIVE OAK SCHOOL DISTRICT**
984-1 BOSTWICK LANE
SANTA CRUZ, CA 95062
RALPH LE ROUX
831-419-0791

PROJECT **LOS ALTOS ANNUAL CONCRETE REPAIR**
MULTI LOCATIONS
LOS ALTOS, CA
VALUE: \$126,000

OWNER: **CITY OF LOS ALTOS**
ONE N. SAN ANTONIO RD.
LOS ALTOS, CA
VALUE: \$120,000
TERRI GREINER
650-947-2623

PROJECT **JOHNSON PARK IMPROVEMENTS**
200 KIPLING STREET
PALO ALTO, CA 94301
VALUE: \$100,000

OWNER: **CITY OF PALO ALTO**
250 HAMILTON AVENUE
PALO ALTO, CA 94301
KATE ROONEY
650-617-3127

PROJECT **ROBLEDA ROAD PATHWAYS**
ROBLEDA ROAD
LOS ALTOS HILLS, CA
VALUE: \$200,000

OWNER: **TOWN OF LOS ALTOS HILLS**
26379 FREMONT ROAD
LOS ALTOS HILLS, CA 94022
RICHARD CHEN
650-941-7222 x 239

PROJECT **ALLEN SCHOOL - NEW ADA PARKING LOT**
ALLEN AVENUE
SAN JOSE, CA
VALUE: \$147,380

OWNER: **SAN JOSE UNIFIED SCHOOL DISTRICT**
855 LENZEN AVENUE
SAN JOSE, CA 95126

MGMT. FIRM **PAVEMENT ENGINEERING INC.**
20260 SKYPARK DRIVE
REDDING, CA 96002
TROY SISNEROS
530-224-4535

PROJECT **HOOVER RED TOP-CONCRETE REPLACEMENT FOR ADA**
EAST CHARLESTON ROAD
PALO ALTO, CA
VALUE: \$97,420

OWNER: **PALO ALTO UNION SCHOOL DISTRICT**
25 CHURCHILL AVENUE
PALO ALTO, CA 94306
BOB PRICE
650-329-3968

PROJECT **DISCOVERY SCHOOL- SITEWORK IMPRVEMENTS**
ANDERSON SCHOOL
4000 RHODA ROAD
SAN JOSE, CA 95117
VALUE: \$644,200

OWNER: CALSTATE CONSTRUCTION, INC.
3680 YALE WAY
FREMONT, CA 94538
ANDY BORREGO
510-657-1800

PROJECT WILLOW GLEN HIGH SCHOOL/MIDDLE SCHOOL
SITE IMPROVEMENTS
COTTLE ROAD
SANJOSE, CA 95136
VALUE: 176,231

OWNER: SAN JOSE UNIFIED SCHOOL DISTRICT
855 LENZEN AVENUE
SAN JOSE, CA 95126

CONST. MGR. PCMB, INC.
PEARL AVENUE
SAN JOSE, CA 95136

June 19, 2009

**ADDENDUM NO. 1
FOR THE
PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS PROJECT**.

BID DOCUMENTS

PROPOSAL TO CITY OF SAN JOSE

SCHEDULE OF QUANTITIES:

DELETE: The Schedule of Quantities

REPLACE: with the Attached Schedule of Quantities

CONTRACT

SCHEDULE OF QUANTITIES:

DELETE: The Schedule of Quantities

REPLACE: with the Attached Schedule of Quantities

SPECIFICATIONS:

GENERAL

ADD: Attached Appendix 1

SECTION 10-9 ASPHALT CONCRETE – TRAIL IMPROVEMENTS

DELETE paragraph 3: Asphalt Surface Course for trail improvements: All asphalt surface course shall be Type "A", 3/4 inch maximum size aggregate, coarse class asphalt concrete as specified in Section 39, "Asphalt Concrete", of the City Standard Specifications.

REPLACE with the following: Asphalt Surface Course for trail improvements: All asphalt surface course shall be Type "A", 1/2 inch maximum size aggregate, medium class asphalt concrete as specified in Section 39, "Asphalt Concrete", of the City Standard Specifications.

SECTION 10-13 CARPENTRY

DELETE section 10-13.3.2: Header board shall be constructed and installed in accordance with the details as shown on the plans.

ADD: The attached Appendix 1 to the end of your specifications.

PLANS:

SHEET 7 SITE LAYOUT PLAN

ADD: Attached Addendum 1 - Drawing 1 of 5 dated 6/17/09 from Callander Associates

SHEET 8 SITE LAYOUT PLAN

ADD: Attached Addendum 1 - Drawing 2 of 5 dated 6/17/09 from Callander Associates

SHEET 9 DETAILS

DELETE: details 3, 6 and 8.

REPLACE with: Attached Addendum 1 - Drawings 3 thru 5 dated 6/17/09 from Callander Associates


SHEET 11 DETAILS

ADD: Coastal Conservancy Logo to temporary construction sign per attached guidelines. Actual logo will be provided at pre-construction meeting.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


for Katy Allen
Director
Public Works Department

Guerra Construction Group 6-25-09
Bidder's Name Date


Signature & Title of Bidder

Jaime Guerra
President

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	10-2.2	MOBILIZATION	
2.	10-2.3	UTILITY CONFLICT COST ALLOWANCE	FIXED LUMP SUM \$ 5,000
3.	10-2.5	TEMPORARY EROSION & SEDIMENT CONTROL ALLOWANCE	FIXED LUMP SUM \$ 24,000
4.	10-2.4-10-2.8	SITE PREPARATION	
5.	10-3	EARTHWORK	
6.	10-6	MINERAL AGGREGATE TRAIL SURFACING	
7.	10-8	CONCRETE	
8.	10-9	ASPHALT CONCRETE- TRAIL IMPROVEMENTS	
9.	10-14	HYDROSEEDING	
10.	10-15	MISCELLANEOUS ITEMS	
		TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 10, INCLUSIVE) FOR THE LUMP SUM TOTAL OF:>>>>>>>>>>>	
<p align="center">NOTE TO BIDDERS: The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.</p>			

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

APPENDIX 1

PERMIT

**STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME**

DEPARTMENT OF FISH AND GAME

BAY DELTA REGION

(707)944-5520

Mailing Address

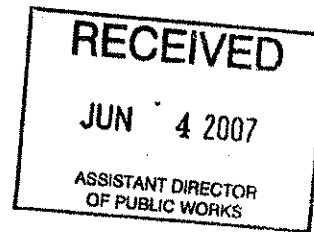
POST OFFICE BOX 47

YOUNTVILLE, CALIFORNIA 94589

Street Address

7329 SILVERADO TRAIL

NAPA, CALIFORNIA 94558



May 30, 2007

David Sykes, Assistant Director
City of San Jose
Department of Public Works
200 E. Santa Clara Street, 5th Floor Tower
San Jose, CA 95113

Dear Mr. Sykes:

Notification of Lake or Streambed Alteration
Notification No. 1600-2007-0108-3
Penitencia Creek, Santa Clara County

As the Department explained in its letter to you dated April 6, 2007, the Department had until May 18, 2007, to submit a draft Lake or Streambed Alteration Agreement to you or inform you that an agreement is not required. Due to staffing constraints, the Department was unable to meet that date. As a result, by law, you may now complete the project described in your notification without an agreement. In doing so, however, the project must be the same one and conducted in the same manner as described in the notification. That includes completing the project within the proposed term and seasonal work period and implementing all mitigation and avoidance measures to protect fish and wildlife resources specified in the notification. (Fish and Game Code section 1602(a)(4)(D).) The work period that you submitted in your notification is January 1, 2007 until December 31, 2009. This work period cannot be modified or extended by the Department.

If your project differs from the one described in the notification, you may be in violation of Fish and Game Code section 1602. Also, even though you are entitled to complete the project without an agreement, you are still responsible for complying with all other applicable local, state, and federal laws, including, for example, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, you must have a copy of this letter *and* your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Dave Johnston, Environmental Scientist, at (831) 466-0234.

Sincerely,

Charles Armor
Acting Regional Manager
Bay Delta Region

cc: Lieutenant Nores

Addendum 1-6-19-09

| FOR DEPARTMENT USE ONLY | | | | |
|-------------------------|--------------|--------------|------------------|--|
| Project No. | Project Name | State/County | Notification No. | |
| | | | | |



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NOTIFICATION OF LAKE OR STREAMBED ALTERATION



Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

| | | | | |
|------------------|---|-----|----------------|--|
| Name | David Sykes, Assistant Director, Department of Public Works | | | |
| Business/Agency | City of San Jose | | | |
| Street Address | 200 E. Santa Clara Street, 5th Floor Tower | | | |
| City, State, Zip | San Jose, CA 95113 | | | |
| Telephone | (408) 535-8300 | Fax | (408) 292-6296 | |
| Email | dave.sykes@sanjoseca.gov | | | |

2. CONTACT PERSON *(Complete only if different from applicant)*

| | | | | |
|------------------|--|-----|----------------|--|
| Name | Jan Palajac, Project Manager | | | |
| Street Address | 200 E. Santa Clara Street, 6th Floor Tower | | | |
| City, State, Zip | San Jose, CA 95113 | | | |
| Telephone | (408) 535-8350 | Fax | (408) 292-6288 | |
| Email | jan.palajac@sanjoseca.gov | | | |

3. PROPERTY OWNER *(Complete only if different from applicant)*

| | | | | |
|------------------|--------------|-----|--|--|
| Name | See Attached | | | |
| Street Address | | | | |
| City, State, Zip | | | | |
| Telephone | | Fax | | |
| Email | | | | |

4. PROJECT NAME AND AGREEMENT TERM

| | | | | |
|-----------------------------|---------------|--|----------------------|------------------------|
| A. Project Name | | Penitencia Creek Trail, Reach 6: Interim Improvements | | |
| B. Agreement Term Requested | | <input checked="" type="checkbox"/> Regular (5 years or less)
<input type="checkbox"/> Long-term (greater than 5 years) | | |
| C. Project Term | | D. Seasonal Work Period | | E. Number of Work Days |
| Beginning (year) | Ending (year) | Start Date (month/day) | End Date (month/day) | |
| 2007 | 2009 | 01/01 | 12/31 | 120.00 |

Addendum 1-6-19-09

LAKE OR STREAMBED ALTERATION

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.

| | |
|----|--|
| A. | <input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below) |
| B. | <input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____ |
| C. | <input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____ |
| D. | <input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____ |
| E. | <input type="checkbox"/> Routine Maintenance (Attachment D) |
| F. | <input type="checkbox"/> DFG Fisheries Restoration Grant Program (FRGP) FRGP Contract Number: _____ |
| G. | <input type="checkbox"/> Master |
| H. | <input type="checkbox"/> Master Timber Harvesting |

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. **Note: The Department may not process this notification until the correct fee has been received.**

| A. Project | | B. Project Cost | C. Project Fee |
|------------|---------------------------------|-----------------------------|----------------|
| 1 | Install trail on existing levee | \$175,000.00 | \$1,100.00 |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| | | D. Base Fee (if applicable) | |
| | | E. TOTAL FEE ENCLOSED | \$1,100.00 |

7. PRIOR NOTIFICATION OR ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

☐ Yes (Provide the information below) ☒ No

Applicant: _____ Notification Number: _____ Date: _____

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

☒ No ☐ Yes (Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)

☐ Continued on additional page(s)

Addendum 1 - 6-19-09

PROJECT LOCATION OF STREAMBED ALTERATION

8. PROJECT LOCATION

| | | | | |
|---|--|---|--|--|
| <p>A. Address or description of project location.
 <i>(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)</i></p> <p>The project is located along the south side of Penitencia Creek, between Mabury Road and King Road.</p> <p>Driving directions: from Hwy. 101, southbound:
 * take the Oakland Road exit, towards 13th Street
 * turn left on Oakland Road
 * turn right on Mabury Road
 * turn left on King Road
 * the project is accessible from King Road</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Continued on additional page(s)</p> | | | | |
| <p>B. River, stream, or lake affected by the project.</p> | | <p>Penitencia Creek</p> | | |
| <p>C. What water body is the river, stream, or lake tributary to?</p> | | <p>Coyote Creek</p> | | |
| <p>D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?</p> | | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p> | | |
| <p>E. County</p> | | <p>Santa Clara</p> | | |
| <p>F. USGS 7.5 Minute Quad Map Name</p> | | <p>G. Township</p> | <p>H. Range</p> | <p>I. Section</p> |
| <p>Milpitas</p> | | <p>Pueblo Lands</p> | | |
| | | | | |
| | | | | |
| | | | | |
| <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p> | | | | |
| <p>K. Meridian (check one)</p> | | <p><input type="checkbox"/> Humboldt <input checked="" type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino</p> | | |
| <p>L. Assessor's Parcel Number(s)</p> <p>254-19-13, 254-19-14, 254-19-39, 254-19-40, 254-19-42, 254-19-45, 254-19-46</p> <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p> | | | | |
| <p>M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)</p> | | | | |
| <p>Latitude/Longitude</p> | <p>Latitude: 37 22' 13" N</p> | | <p>Longitude: 121 52' 17" W</p> | |
| | <p><input checked="" type="checkbox"/> Degrees/Minutes/Seconds</p> | | <p><input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes</p> | |
| <p>UTM</p> | <p>Easting:</p> | <p>Northing:</p> | | <p><input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11</p> |
| <p>Datum used for Latitude/Longitude or UTM</p> | | <p><input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 or WGS 84</p> | | |

Addendum 1-6-19-09

LAKE OR STREAMBED ALTERATION

9. PROJECT CATEGORY AND WORK TYPE (Check each box that applies)

| PROJECT CATEGORY | NEW
CONSTRUCTION | REPLACE
EXISTING STRUCTURE | REPAIR/MAINTAIN
EXISTING STRUCTURE |
|--|-------------------------------------|-------------------------------|---------------------------------------|
| Bank stabilization - bio engineering/recontouring | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bank stabilization - rip rap/retaining wall/gabion | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Boat dock/pier | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Boat ramp | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bridge | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Channel clearing/vegetation management | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Culvert | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Debris basin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dam | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Diversion structure - weir or pump intake | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Filling of wetland, river, stream, or lake | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Geotechnical survey | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Habitat enhancement - re vegetation/mitigation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Levee | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Low water crossing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Road/trail | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sediment removal - pond, stream, or marina | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Storm drain outfall structure | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Temporary stream crossing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Utility crossing: horizontal Directional Drilling | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jack/bore | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Open trench | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Addendum 1-26-19-cg

TOP OF LAKE OR STREAMBED ALTERATION

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.

- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.

This project involves construction of an 8' wide, crushed gravel trail along the top of an existing levee, on the south side of Penitencia Creek. At the entry to the trail, at King Road, an asphalt trailhead will be constructed. The crushed gravel trail will lead away from the trailhead and run along the existing levee towards Mabury road. The trail will slope 2% away from the creek. Where the levee is too narrow to accommodate the width of the trail, the inland side will be expanded. A 10'x15' paved seating area with three benches will be constructed on the creek side of the trail. The trail will leave the existing levee to join an existing asphalt pathway. Where the trail joins the asphalt, the trail surface will change from crushed gravel to asphalt.

No work will be done in the active channel, nor will any work be done below the existing top of bank on the creek side of the levee.

Construction documents are attached.

☒ Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Earthwork, paving and hydroseeding equipment will be used.

☐ Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

☒ Yes ☐ No (Skip to box 11)

D. Will the proposed project require work in the wetted portion of the channel?

☐ Yes (Enclose a plan to divert water around work site)
☒ No

Addendum 1 - 6-19-09

PROJECT OF LAKE OR STREAMBED ALTERATION

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

The trail will run along the top of an existing levee below the existing tree canopy. No trees are slated for removal. No modification of grades around existing trees is anticipated. No materials will be moved, displaced, or otherwise disturbed.

☐ Continued on additional page(s)

B. Will the project affect any vegetation?

☒ Yes (Complete the tables below) ☐ No

| Vegetation Type | Temporary Impact | Permanent Impact |
|-----------------|---|---|
| Riparian canopy | Linear feet: 615
Total area: 5585 | Linear feet: _____
Total area: _____ |
| | Linear feet: _____
Total area: _____ | Linear feet: _____
Total area: _____ |

| Tree Species | Number of Trees to be Removed | Trunk Diameter (range) |
|--------------|-------------------------------|------------------------|
| N/A | | |
| | | |
| | | |

☐ Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

☒ Yes (List each species and/or describe the habitat below)

☐ No

☐ Unknown

Steelhead, California Red Legged Frog, Pallid Bat

☐ Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

Initial Study: Mabury Park/ Penitencia Creek Park Chain, Reach 6, Master Plan

☐ Continued on additional page(s)

E. Has a biological study been completed for the project site?

☒ Yes (Enclose the biological study)

☐ No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?

☐ Yes (Enclose the hydrological study)

☒ No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

Addendum 1: 6-19-09

LEVEE OR STREAMBED ALTERATION

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

| |
|---|
| A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction. |
| Fiber rolls will be installed along the top of bank, continuous. All work will be out of streambed. All work will be conducted under dry conditions, and no equipment will enter the creek channel. |
| <input type="checkbox"/> Continued on additional page(s) |
| B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources. |
| N/A: No impact to fish, wildlife, and plant resources will occur, as all work will be performed on an existing levee, outside of the creek channel, and no trees are to be removed. |
| <input type="checkbox"/> Continued on additional page(s) |
| C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources. |
| N/A: Mitigation is not anticipated to be required because the project will not impact fish, wildlife, or plant resources. |
| <input type="checkbox"/> Continued on additional page(s) |

13. PERMITS

| | |
|--|---|
| List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued. | |
| A. <u>Santa Clara Valley Water District Encroachment Permit</u> | <input checked="" type="checkbox"/> Applied <input type="checkbox"/> Issued |
| B. _____ | <input type="checkbox"/> Applied <input type="checkbox"/> Issued |
| C. _____ | <input type="checkbox"/> Applied <input type="checkbox"/> Issued |
| D. Unknown whether <input type="checkbox"/> local, <input type="checkbox"/> state, or <input type="checkbox"/> federal permit is needed for the project. (Check each box that applies) | |
| <input type="checkbox"/> Continued on additional page(s) | |

Addendum 1-16-19-09

LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

| | | | |
|---|--|---|----------------|
| A. Is a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)? | | | |
| <input checked="" type="checkbox"/> Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each)
<input type="checkbox"/> No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared) | | | |
| <input type="checkbox"/> Notice of Exemption | <input checked="" type="checkbox"/> Mitigated Negative Declaration | <input type="checkbox"/> NEPA document (type): _____ | |
| <input checked="" type="checkbox"/> Initial Study | <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> CESA document (type): _____ | |
| <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> Notice of Determination (Enclose) | <input type="checkbox"/> ESA document (type): _____ | |
| <input type="checkbox"/> TR/ NTMP | <input type="checkbox"/> Mitigation, Monitoring, Reporting Plan | | |
| B. State Clearinghouse Number (if applicable) | | 2003052008 | |
| C. Is a CEQA lead agency been determined? | | <input checked="" type="checkbox"/> Yes (Complete boxes D, E, and F) <input type="checkbox"/> No (Skip to box 14.G) | |
| D. CEQA Lead Agency | City of San Jose | | |
| E. Contact Person | Jan Palajac | F. Telephone Number | (408) 535-8350 |
| G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan. | | | |
| N/A | | | |
| <input type="checkbox"/> Continued on additional page(s) | | | |
| H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid? | | | |
| <input checked="" type="checkbox"/> Yes (Enclose proof of payment) <input type="checkbox"/> No (Briefly explain below the reason a filing fee has not been paid) | | | |
| Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid. | | | |

15. SITE INSPECTION

| |
|---|
| Check one box only. |
| <input checked="" type="checkbox"/> In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry. |
| <input type="checkbox"/> I request the Department to first contact (insert name) _____
at (insert telephone number) _____ to schedule a date and time
to enter the property where the project described in this notification will take place. I understand that this may
delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or
the Department's issuance of a draft agreement pursuant to this notification. |

Addendum 1-6-19-09

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

| |
|---|
| Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)? |
| <input checked="" type="checkbox"/> Yes (Please enclose the information via digital media with the completed notification form) |
| <input type="checkbox"/> No |

17. SIGNATURE

| | |
|---|----------------------------------|
| <p>I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.</p> | |
| <p><u>D. D SyL</u></p> <p>Signature of Applicant or Applicant's Authorized Representative</p> | <p><u>3/2/07</u></p> <p>Date</p> |
| <p><u>DAVID SYKES</u></p> <p>Print Name</p> | |

Addendum 1-6-19-09

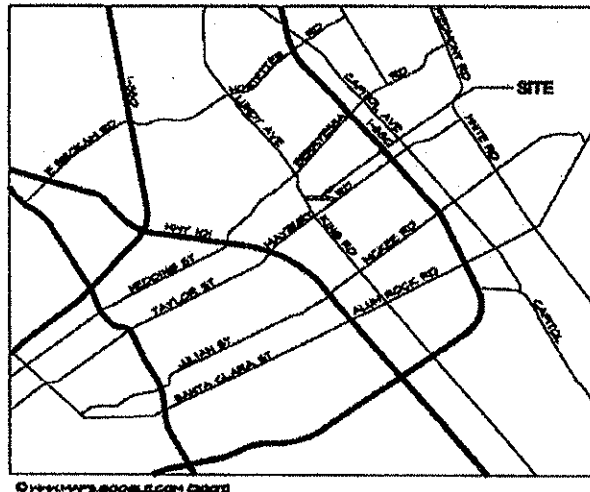
State of California
Department of Fish and Game
Notification of Lake or Streambed Alteration
Penitencia Creek Trail, Reach 6: Interim Improvements

Attachments

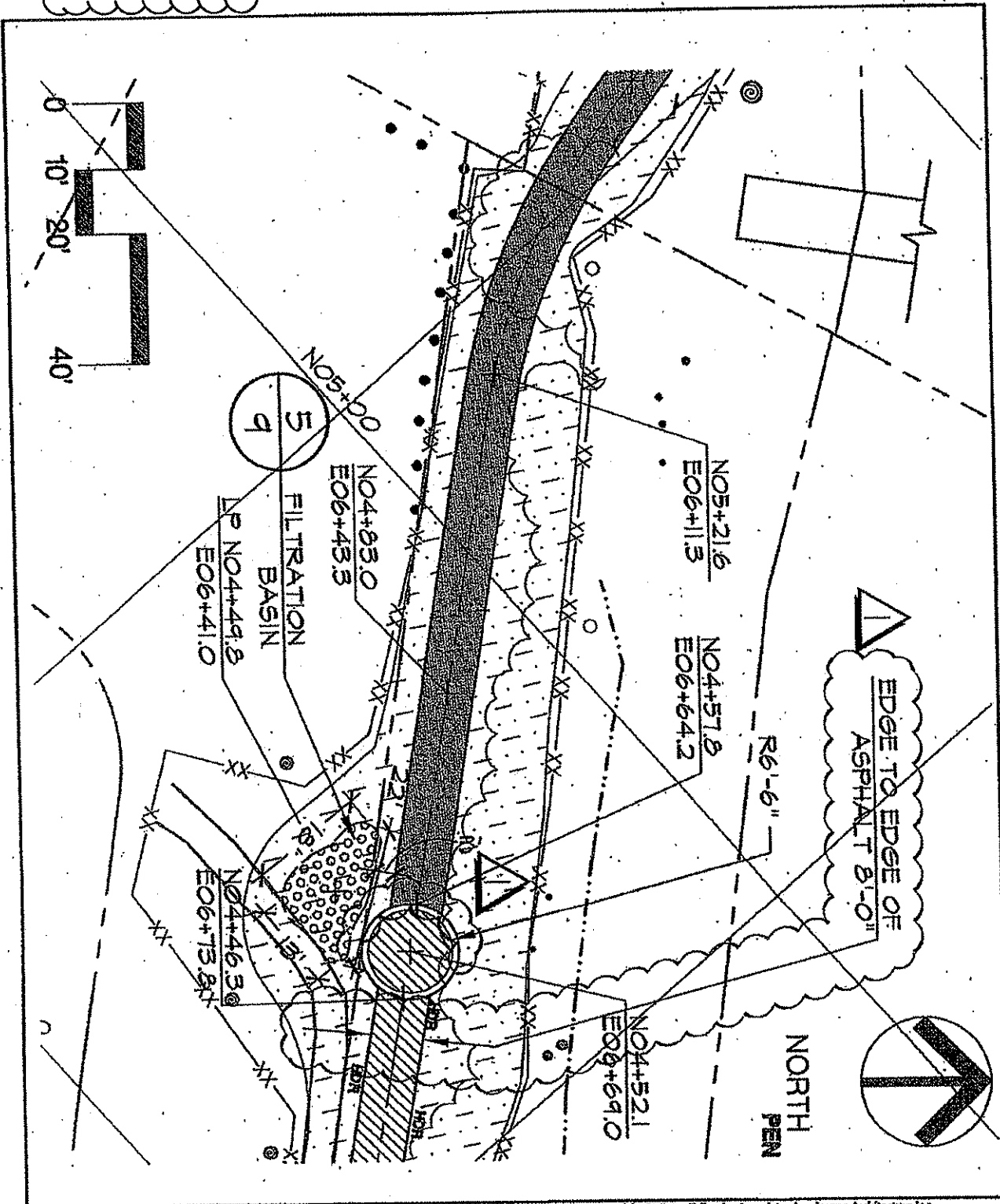
Page 1, 3. Property Owners:

- 1) City of San Jose (contact Jan Palajac, Project Manager)
200 East Santa Clara Street
San Jose, CA 95113
(408) 535-8408 phone
(408) 292-6288 fax
- 2) Santa Clara Valley Water District (contact Mr. Theo Hipol, Community
Projects Review Unit)
5750 Almaden Expressway
San Jose, CA 95118
(408) 265-2607 phone
(408) 979-5635 fax
- 3) County of Santa Clara (contact Ms. Alice Daly, Park Planner)
298 Garden Hill Drive
Los Gatos, CA 95032
(408) 355-2200 phone
(408) 355-3390 fax

Page 3, 8. Project Location:



Addendum 1-6-19-09



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325 South First Street, Suite 300
San Jose, CA 95113
T 408.275.0365

ADDENDUM #1

SHEET 7 - SITE LAYOUT PLAN
PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

| DATE | SCALE | DRAWN BY | CHECKED BY | DRAWING NO. |
|----------|----------|----------|------------|-------------|
| 06/17/09 | AS SHOWN | CS | MM | 1 OF 5 |

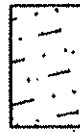
SITE LAYOUT LEGEND



ASPHALT PAVEMENT $\frac{6}{9}$



COMPACTED BASE ROCK TRAIL $\frac{3}{9}$



EROSION CONTROL HYDROSEED, REFER TO SPECIFICATIONS

HDR

COMPACTED BASE ROCK SHOULDER $\frac{8}{9}$



EXISTING TREE, PROTECT IN PLACE

NO4+44.8 COORDINATE POINTS AT NORTHING 04+44.8
E10+78.3 AND EASTING 78.3

R120'-6" RADIUS

LP

LOW POINT



FLUSH

TOP OF BANK - CREEK SIDE OF LEVEE

TOP OF LEVEE - INLAND SIDE OF LEVEE

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ADDENDUM #1

SHEET 8 - SITE LAYOUT PLAN

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

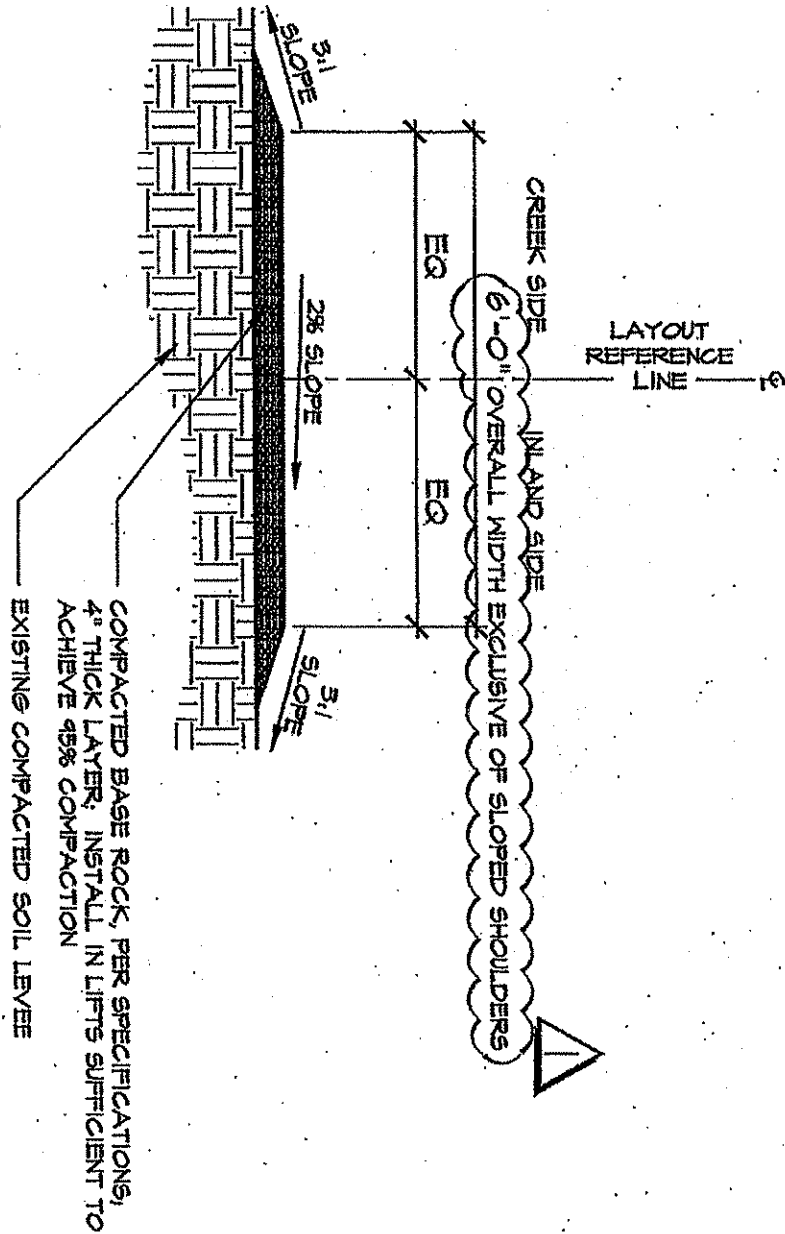
| | | | | |
|------------------|-------------------|----------------|-------------------|-----------------------|
| DATE
06/17/09 | SCALE
AS SHOWN | DRAWN BY
CS | CHECKED BY:
MM | DRAWING NO.
2 OF 5 |
|------------------|-------------------|----------------|-------------------|-----------------------|

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3
9

COMPACTED BASE ROCK TRAIL SECTION

GRAVEL-TRAIL.DWG



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ADDENDUM #1

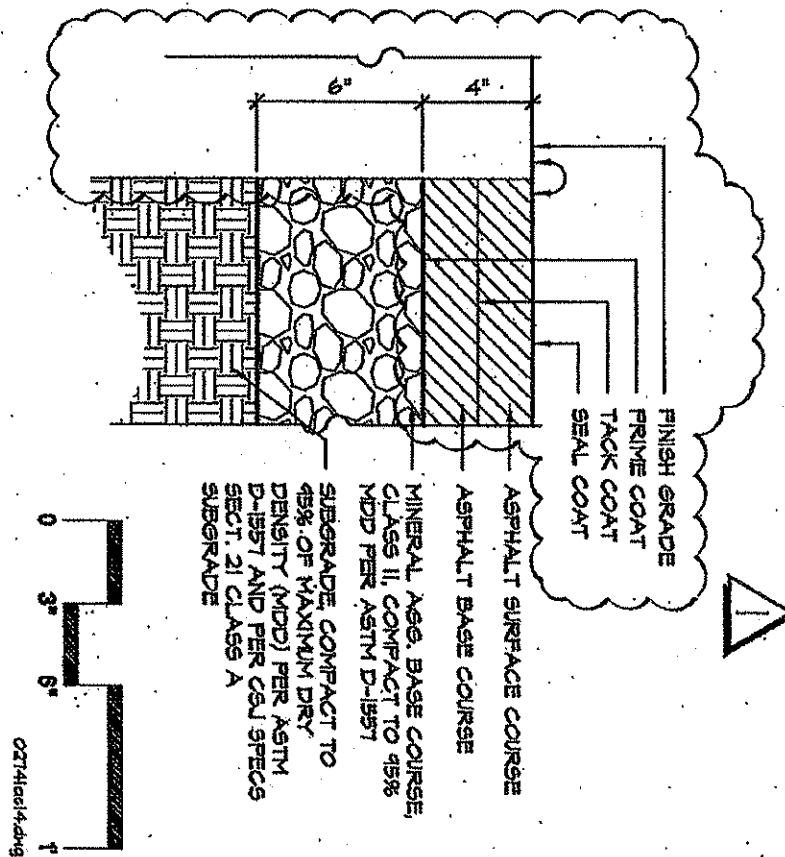
SHEET 9 - DETAILS

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

| DATE | SCALE | DRAWN BY | CHECKED BY: | DRAWING NO. |
|----------|----------|----------|-------------|-------------|
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6 ASPHALT CONCRETE PAVEMENT 9 SECTION



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ADDENDUM #1

SHEET 9 - DETAILS

PENTENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

| DATE | SCALE | DRAWN BY | CHECKED BY: | DRAWING NO. |
|----------|----------|----------|-------------|-------------|
| 06/17/09 | AS SHOWN | CS | MM | 4 OF 5 |

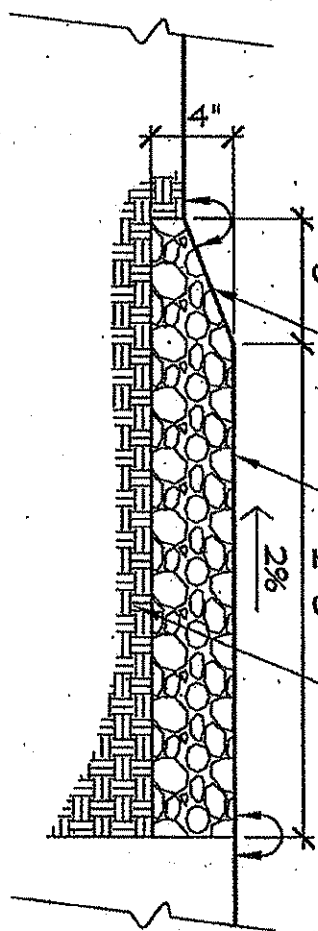
Addendum 1 - 6_19_09

8

COMPACTED BASE ROCK SHOULDER

9

VARIES



SLOPE TO CONFORM TO GRADE

SHOULDER, COMPACTED BASE ROCK PER SPECIFICATIONS; INSTALL IN LIFTS SUFFICIENT TO ACHIEVE 95% COMPACTION

SUBGRADE, COMPACT TO 95%



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ADDENDUM #1

SHEET 9 - DETAILS

PENITENCIA CREEK TRAIL REACH 6 INTERIM IMPROVEMENTS

| DATE | SCALE | DRAWN BY | CHECKED BY: | DRAWING NO. |
|----------|----------|----------|-------------|-------------|
| 06/17/09 | AS SHOWN | CS | MM | 5 OF 5 |

Addendum 1 - 6_19_09



Coastal Conservancy Representation on Signs

The Coastal Conservancy requests that it be represented by its logo on signs installed at project sites.

The Conservancy's complete logo is shown below:



Digital and photo-ready copies of the logo, and guidelines for its use, are available from the Conservancy's Communications Director, Dick Wayman, at (510) 286-4182, or dwayman@scc.ca.gov.

Any use of the Conservancy's name and logo on signs must be approved in advance by the Conservancy.

The Conservancy requests the opportunity to participate in the drafting of text and design for signs that will display the Conservancy's logo, or that are prepared, in whole or in part, with Conservancy funds.

9/19/01

1330 Broadway, 13th Floor
Oakland, California 94612-2512
510-286-1015 Fax: 510-286-0470

C a l i f o r n i a S t a t e C o a s t a l C o n s e r v a n c y

Addendum 1 - 6_19_09

Graphic Guidelines For Trademark

BASIC DESIGN GUIDELINES

Trademark Description

The trademark of the Coastal Conservancy, shown on the upper left of this page, consists of a symbol and logotype, and they are always used together.

The Coastal Conservancy symbol is derived from the pattern of the California horn shell and water. The logotype for the Coastal Conservancy trademark utilizes the font Bembo Roman.

Incorrect Trademark Usage

1. Do not modify the symbol.
2. Do not alter the size relationship of the symbol and the logotype.
3. Do not align the symbol to the left or the right of the logotype.
4. Do not use the trademark at a size smaller than one inch wide.

Trademark Color Usage

The preferred color usage of the Coastal Conservancy trademark is PMS 315 Blue. The trademark may also be used in black and white.

USE OF THE TRADEMARK ON SIGNS

The Coastal Conservancy requests that it be represented by its trademark on signs installed at project sites.

Digital and photo-ready copies of the trademark are available from the Conservancy's Communications Director, Dick Wayman, at (510) 286-4182.

Any use of the Conservancy's name and trademark on signs must be approved in advance by the Conservancy.

The Conservancy requests the opportunity to participate in the drafting of text and design for signs that will display the Conservancy's trademark, or that are prepared for projects funded, in whole or in part, by the Conservancy.

1330 Broadway, 13th Floor
Oakland, California 94612-2512

510-286-1015 Fax: 510-286-0470

C a l i f o r n i a S t a t e C o a s t a l C o n s e r v a n c y

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